

REMARKS

This Amendment and Response are made in reply to the Office Action issued August 6, 2008.

In a telephonic interview with Applicants' representatives on July 18, 2008, Examiner indicated that claims 1 and 5 would be allowable over the then-cited prior art, if amended to recite the guide pin 79 and the guide groove 80, discussed at least in paragraph [0052] of the Specification and shown at least in Figure 9.

In the Office Action issued August 6, 2008, Examiner withdrew all previous rejections and rejected claims 1-5 under 35 USC § 102(b) as anticipated by the English Abstract of Katsumi (JP 09-190225).

Claims 1-5 are amended, and remain pending. Claims 1 and 5 are amended to recite the previously indicated allowable subject matter. Claims 2 and 3 depend from claim 1. Claim 4 is amended to depend from claim 5. No new matter is added. Applicants respectfully traverse the newly-entered rejections over the English Abstract of Katsumi.

As a threshold matter, Applicants submit that the rejections over Katsumi are not properly supported because Examiner has not provided a complete translation of Katsumi. Applicants submit that the grounds for the current rejection accordingly are limited to the English Abstract of Katsumi. Applicants further submit that Examiner's failure to provide a complete translation is "generally improper" where both the English Abstract and the underlying reference may qualify as prior art. (MPEP 706.02.II). If Examiner wishes to maintain the rejections based on Katsumi, Applicants respectfully request that

Examiner obtain and provide a complete translation of the reference relied upon. However, solely for the sake of advancing prosecution, Applicants respectfully submit the following arguments, based on the English Abstract of Katsumi.

As amended, claim 1 recites a linear actuator comprising a moving cylinder which moves forward and backward with respect to a housing, a position detection apparatus, and means for adjustably mounting the position detection apparatus to the housing, whereby the position detection apparatus is movable in a direction of the moving cylinder. Claims 2-3 depend from claim 1, and include additional recitations.

An anticipation rejection is improper unless a single prior art reference *identically* shows or discloses *each and every claim limitation*. Katsumi entirely fails to show or disclose a position detection apparatus that is adjustably mounted to a housing. Rather, Katsumi discloses, at most, a lever body for varying the detection value of a position detection sensor. Katsumi's lever body is fitted to a movable body, which is screwed onto a rotary shaft. Nothing in Katsumi even remotely teaches that Katsumi's position detection sensor is *adjustably* mounted to a housing. Indeed, nothing in Katsumi even teaches a *housing*.

For at least the reasons stated above, Katsumi fails to identically show or disclose each and every recitation of claim 1. Accordingly, the rejection of claim 1 over Katsumi is improper under 35 USC § 102(b), and should be withdrawn.

At least because claims 2-3 depend from claim 1, the rejections of these dependent claims also are improper under 35 USC § 102(b), and should be withdrawn.

Amended claim 5 recites a linear actuator comprising a moving cylinder which moves forward and backward with respect to a housing, and a position detection apparatus, wherein the position detection apparatus includes a guide pin slidably mated with a guide groove formed in the housing. Claim 4 depends from claim 5, and includes additional recitations. Katsumi entirely fails to show or disclose any specific mechanical structure for Katsumi's position detection sensor. In particular, Katsumi does not show or disclose a position detection apparatus that includes a guide pin. Katsumi also does not show or disclose a guide groove formed in a housing.

For at least these reasons, the rejection of claim 5 over Katsumi is improper under 35 USC § 102(b), and should be withdrawn.

At least because claim 4 depends from claim 5, the rejection of claim 4 over Katsumi also is improper under 35 USC § 102(b) and should be withdrawn.

Having amended the claims to conform to Examiner's previously-indicated allowable subject matter, and having traversed or overcome all of the present rejections, Applicants respectfully submit that claims 1-5 should be deemed allowable and passed to issue.

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Applicants believe that no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, Attorneys for Applicants hereby authorize the Commissioner to deduct such fees from our Deposit Account 13-0235.

Respectfully submitted,

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